

REMARKS

Reconsideration of the application as amended to respectfully requested. In the action of September 12, 2002, the examiner rejected claims 1-9 under 35 U.S.C. § 103 as unpatentable over Gerber. Applicant respectfully submits, however, that claims 1-9 are patentable over Gerber for the following reasons.

In applicant's invention, it is important that the forward edge of the attachment portion which contacts the work surface have an interior diameter which is significantly greater than the diameter of the spiral saw, i.e. that there is a substantial space between the spiral saw and the forward edge of the attachment portion. This space is necessary to permit the collection of the large volumes of dust which are created by use of the spiral saw power tool. If this substantial space was not present, the tool would quickly clog. Applicant's invention is thus distinguished from Gerber. On column 5, lines 23 through 31, and particularly 29 through 31, Gerber teaches that stripping plate 84 (and presser foot 82) has an inner periphery in close fitting relationship with the cutting edges of the wheel 46. Applicant's device is essentially useless with such a structure. As indicted above, a substantial space between the saw and the forward edge of the attachment portion is required. Further, it is not possible to modify the Gerber structure to arrive at applicant's invention, since Gerber states that it is important that plate 84 be in a close fitting relationship in order to accomplish the shearing of chips or shredded material from the sheet material.

Hence, since there is a significant difference between applicant's invention as set forth in claim 1 and the teaching of the reference, and since there is no way to modify Gerber without going against the specific purpose of Gerber, claim 1 is patentable over Gerber. Further, since claims 2 through 9 are dependent upon claim 1, those claims are also allowable. In view of the above, allowance of the application

is respectfully requested.

This is to request a one-month extension of time.
Enclosed is the required fee \$55.00.

The Commissioner is authorized to charge any fees or
deficiencies or credits to Deposit Account 07-1900.

Respectfully submitted,
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Enclosures: Postcard, check for extension of time

VERSION WITH MARKINGS TO SHOW CHANGES MADE

The claims have been amended as follows:

1. (thrice amended) An attachment for a hand-held spiral saw power tool, comprising:

“ a first rigid attachment portion, adapted to be secured to a forward portion of a hand-held spiral saw power tool in which a spiral saw bit is mountable, wherein the first attachment portion is structured and adapted to permit the first attachment portion to be secured to the forward portion of the power tool at various selected longitudinal positions therealong, so that when the first attachment portion is in a selected position on the power tool, the tip of a cutting portion of the spiral saw bit extends beyond the forward end of the first attachment portion by a distance at least equal to that of the thickness of the workpiece to be cut by the spiral saw, wherein the attachment portion is further adapted to permit a moving contact between a forward edge of the first attachment portion and an abutting surface of the workpiece to be cut by the spiral saw, and wherein the attachment portion has an interior diameter at its forward [end] edge which is significantly greater than the diameter of the spiral saw, such that there is a substantial open space between said forward edge and the spiral saw through which dust moves into the attachment portion, and wherein the forward edge of the attachment portion controls the depth of cut of the spiral saw and acts as a stop for the spiral saw when the forward edge of the attachment portion abuts the surface of the workpiece; and

a dust exit member communicating with the interior of the first attachment portion, said dust exit member extending away from a side surface of the first attachment portion, wherein dust generated during use of the tool is substantially collected within the first attachment portion and then moved out from the interior thereof through the dust exit member by a vacuum device connectable to the dust exit member, such that dust can continue to collect within the attachment portion without affecting the operation of the tool.